REMARKS

Applicants respectfully request further examination and reconsideration in view of the instant response. Claims 1-63 remain pending in the case. Claims 1-63 are rejected.

NOTE REGARDING LACK OF RESPONSE TO APPLICANTS' ASSERTION THAT ELEMENT 1108 OF NAKAGAWA IS NOT AN ENCRYPTER

In each of the prior Office Action responses, Applicants have indicated their assertion that element 1108 of U.S. Patent 6,810,131 by Nakagawa et al., hereinafter referred to as "Nakagawa" is not an encrypter. Applicants note that none of the prior Office Actions has addressed this argument.

As understood by the Applicants, element 1108 is a sign inverter used for encoding (compressing) data. In fact, Nakagawa identifies element 1108 as "a DCT sign inverter for inverting the sign of each Huffman code from the variable-length encoder" (col. 16, lines 55-57). Applicants respectfully submit that "encoder" is not equivalent to "encrypter." In particular, it is asserted that sign inversion is not equivalent to encryption.

The instant Office Action continues to identify element 1108 as an encrypter. Applicants respectfully request additional information supporting the Examiner's position that element 1108 is an encrypter.

103(a) Rejections

Claims 1-6, 10-19, 23-32 and 36-63

The instant Office Action states that Claims 1-6, 10-19, 23-32 and 36-63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of U.S. Patent 6,931,534 by Jandel et al., hereinafter referred to as "Jandel". The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-6, 10-19, 23-32 and 36-

63 is patentable over Nakagawa and Jandel, alone or in combination, for at least the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

> A device for encoding and encrypting data, said device comprising:
> <u>a segmenter adapted to receive said data and segment at least a portion of said data into regions</u>;
> a scalable encoder coupled to said segmenter, said scalable encoder adapted to scalably encode at least one of said regions into scalably encoded data; and
> <u>a progressive encrypter coupled to said scalable encoder, said progressive encrypter adapted to progressively encrypt at least a portion of said scalably encoded data into progressively encrypted scalably encoded data</u>.

Independent Claims 14, 27, 40, 48 and 56 include similar recitations. Claims 2-6 and 10-13 that depend from independent Claim 1, Claims 15-19 and 23-26 that depend from independent Claim 14, Claims 28-32 and 36-39 that depend from independent Claim 27, Claims 41-47 that depend from independent Claim 40, Claims 49-55 that depend from independent Claim 48, and Claims 57-63 that depend from independent Claim 56 also include these recitations.

Applicants respectfully submit that "[t]o establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations" (MPEP 2142).

First, Applicants respectfully submit that Nakagawa does not teach, describe or suggest "a segmenter adapted to receive said data <u>and segment at least a portion of said data into regions</u>" (emphasis added) as claimed. The Office Action asserts that Nakagawa teaches the claimed segmenter at elements 1100 and 1200 of Figure 15. Applicants understand elements 1100

and 1200 to be frame memories for "storing input image data for one frame, and outputting macroblocks as encoding units" (col. 16, lines 28-30).

Applicants respectfully submit that outputting macroblocks is not equivalent to segmenting data. In contrast, Applicants respectfully submit that input image data for one frame is received as macroblocks, and that frame memories 1100 and 1200 simply operate as an intermediary data store. Specifically, Applicants respectfully submit that frame memories 1100 and 1200 do not perform any segmenting on the input data frame. Therefore, Applicants respectfully submit that Nakagawa does not teach, describe or suggest "a segmenter adapted to receive said data and segment at least a portion of said data into regions" as claimed.

Applicants respectfully submit that the combination of Nakagawa and Jandel does not render the claimed embodiments unpatentable, because Jandel does not overcome the shortcomings of Nakagawa. Applicants understand Jandel to disclose a method and device for partial encryption and progressive transmission of images (Abstract). In particular, Applicants respectfully submit that Jandel does not teach segmenting an input image. Therefore, Applicants respectfully submit that Jandel does not teach, describe or suggest "a segmenter adapted to receive said data and segment at least a portion of said data into regions" as claimed.

Second, Applicants respectfully submit that Nakagawa does not teach, describe or suggest "a progressive encrypter coupled to said scalable encoder, said progressive encrypter adapted to progressively encrypt at least a portion of said scalably encoded data into progressively encrypted scalably encoded data" (emphasis added) as claimed.

As described above, Applicants understand Nakagawa to disclose that element 1108 is a sign inverter used for encoding (compressing) data. In particular, Nakagawa identifies element 1108 as "a DCT sign inverter for inverting the sign of each Huffman code from the variable-length encoder" and further recites that "the DCT sign inverter 1108 inverts [the] sign bit" (col. 16, lines 55-57 and line 61). Applicants respectfully submit that "encoder" is not equivalent to "encrypter." In particular, it is asserted that sign inversion is not equivalent to encryption.

Applicants respectfully submit that the combination of Nakagawa and Jandel does not render the claimed embodiments unpatentable, because Jandel does not overcome the shortcomings of Nakagawa. Applicants understand Jandel to disclose a method and device for partial encryption and progressive transmission of images (Abstract). Applicants respectfully submit that Jandel does not suggest or provide motivation for modifying Nakagawa to replace DCT sign inverter 1108 with an encrypter.

"To establish a *prima facie* case of obviousness ... there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings" (emphasis added; MPEP 2142). In particular, Applicants respectfully note that "[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention" (emphasis in original; MPEP 2141.02(VI)). "[I]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious" (emphasis added) (MPEP 2143.01). Moreover, "[i]f the proposed modification would render the prior art invention being modified unsatisfactory

for its intended purpose, then there is no suggestion or motivation to make the proposed amendment" (emphasis added) (MPEP 2143.01).

Applicants respectfully contend that there is no such suggestion or motivation in either Nakagawa or Jandel to modify Nakagawa to replace DCT sign inverter 1108 with an encrypter. As described above, Nakagawa teaches that DCT sign inverter 1108 is operable to invert a sign bit in a bit sequence (col. 16, lines 55-61). Moreover, Applicants assert that inverting a sign bit is not equivalent to encryption.

In particular, it is the stated principle of operation of Nakagawa that DCT sign inverter 1108 inverts sign bits in a bit sequence. Moreover, selector 1109 of Fig. 15 depends on the output of DCT sign inverter 1108 for selecting an output from variable-length encoder 1107. Applicants respectfully submit that replacing DCT sign inverter 1108 with an encrypter would change the principle of operation of the moving image encoding apparatus of Figure 15. Moreover, Applicants respectfully submit that replacing DCT sign inverter 1108 with an encrypter would render the moving image encoding apparatus of Figure 15 unsatisfactory for its intended purpose.

In summary, Applicants respectfully submit that Nakagawa and Jandel (alone or in combination) do not show or suggest progressive encryption of scalably encoded data as recited in independent Claims 1, 14, 27, 40, 48 and 56. Therefore, Applicants respectfully submit that Claims 1, 14, 27, 40, 48 and 56 are considered patentable over Nakagawa and Jandel (alone or in combination). Because Claims 2-6, 10-13, 15-19, 23-26, 28-32, 36-39, 41-47, 49-55 and 57-63 depend from Claim 1, 14, 27, 40, 48 or 56 and contain additional limitations, Claims 2-6, 10-13, 15-19, 23-26, 28-32, 36-39, 41-47, 49-55 and 57-63 are also considered patentable over Nakagawa and Jandel

(alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting Claims 1-6, 10-19, 23-32 and 36-63 under 35 U.S.C. § 103(a) is traversed.

Claims 7-9, 20-22 and 33-35

The instant Office Action states that Claims 7-9, 20-22 and 33-35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa in view of Jandel and further in view of U.S. Patent 6,532,265 by Van der Auwera et al., hereinafter referred to as "Van der Auwera". Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 7-9, 20-22 and 33-35 is patentable over Nakagawa, Jandel and Van der Auwera, alone or in combination, for at least the following rationale.

As presented above, Applicants respectfully submit that Nakagawa and Jandel, alone or in combination, do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 14 and 27. Claims 7-9 dependent on Claim 1, Claims 20-22 dependent on Claim 14 and Claims 33-35 dependent on Claim 27 also include these recitations.

Applicants respectfully submit that Van der Auwera does not overcome the shortcomings of Nakagawa and Jandel. Applicants respectfully submit that Van der Auwera, alone or in combination with Nakagawa and Jandel, does not show or suggest "a segmenter adapted to receive said data and segment at least a portion of said data into regions" or "a progressive encrypter coupled to said scalable encoder, said progressive encrypter adapted to progressively encrypt at least a portion of said scalably encoded data into progressively encrypted scalably encoded data" as claimed.

Therefore, Applicants respectfully submit that Nakagawa, Jandel and Van der Auwera, alone or in combination, do not show nor suggest the present invention as recited in independent Claims 1, 14 and 27, and that Claims 1, 14 and 27 are considered patentable over Nakagawa, Jandel and Van der Auwera (alone or in combination). Because Claims 7-9, 20-22 and 33-35 depend from Claim 1, 14 or 27 and contain additional limitations, Claims 7-9, 20-22 and 33-35 are also considered patentable over Nakagawa, Jandel and Van der Auwera (alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting Claims 7-9, 20-22 and 33-35 under 35 U.S.C. § 103(a) is traversed.
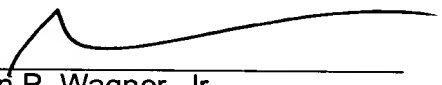
CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-63 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER BLECHER LLP

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John P. Wagner, Jr.
Reg. No. 35,398

Wagner Blecher LLP
123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500